



General Assembly

***Substitute Bill No. 6939***

*January Session, 2001*

***AN ACT PROMOTING ADMINISTRATIVE EFFICIENCY IN  
ASSISTANCE PROGRAMS FUNDED OR ADMINISTERED BY THE  
DEPARTMENT OF SOCIAL SERVICES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (a) The council established to monitor the  
2       implementation of the temporary family assistance program and the  
3       employment services program pursuant to section 17b-29 of the general  
4       statutes, in conjunction with the Department of Social Services, shall (1)  
5       review the application forms for all assistance programs which are  
6       funded or administered in whole or in part by said department and for  
7       which a recipient of temporary family assistance may be eligible, and (2)  
8       make recommendations to streamline or consolidate such application  
9       forms.

10       (b) Not later than February 1, 2002, the council shall submit a report  
11       of its findings and recommendations to the joint standing committee of  
12       the General Assembly having cognizance of matters relating to human  
13       services.

14       Sec. 2. Section 17b-60 of the general statutes is repealed and the  
15       following is substituted in lieu thereof:

16       An aggrieved person authorized by law to request a fair hearing on  
17       a decision of the Commissioner of Social Services or the conservator of  
18       any such person on [his] behalf of such person may make application

19 for such hearing in writing over his or her signature to the  
20 commissioner and shall state in such application in simple language  
21 the reasons why he or she claims to be aggrieved. Such application  
22 shall be mailed to the commissioner within sixty days after the  
23 rendition of such decision. The commissioner shall thereupon hold a  
24 fair hearing within thirty days from receipt thereof and shall, at least  
25 ten days prior to the date of such hearing, mail a notice, giving the  
26 time and place thereof, to such aggrieved person, or if the application  
27 concerns [a denial of or failure to provide emergency housing] an  
28 urgent, unmet need, the commissioner shall hold a fair hearing within  
29 [four] seven business days from receipt thereof, and shall make all  
30 reasonable efforts to provide notice of the time and place of the fair  
31 hearing to such aggrieved person at least [one] three business [day]  
32 days prior to said hearing. A reasonable period of continuance may be  
33 granted for good cause. The aggrieved person shall appear personally  
34 at the hearing, unless his or her physical or mental condition precludes  
35 appearing in person, and may be represented by an attorney or other  
36 authorized representative. A stenographic or mechanical record shall  
37 be made of each hearing, but need not be transcribed except (1) in the  
38 event of an appeal from the decision of the hearing officer or (2) if a  
39 copy is requested by the aggrieved person, in either of which cases it  
40 shall be furnished by the Commissioner of Social Services without  
41 charge. The Commissioner of Social Services and any person  
42 authorized by [him] said commissioner to conduct any hearing under  
43 the provisions of this section shall have power to administer oaths and  
44 take testimony under oath relative to the matter of the hearing and  
45 may subpoena witnesses and require the production of records, papers  
46 and documents pertinent to such hearing. No witness under subpoena  
47 authorized to be issued by the provisions of this section shall be  
48 excused from testifying or from producing records, papers or  
49 documents on the ground that such testimony or the production of  
50 such records or other documentary evidence would tend to  
51 incriminate [him] such witness, but such evidence or the records or  
52 papers so produced shall not be used in any criminal proceeding  
53 against him or her. If any person disobeys such process or, having

54 appeared in obedience thereto, refuses to answer any pertinent  
55 question [put to him] by the commissioner or [his] the commissioner's  
56 authorized agent or to produce any records and papers pursuant  
57 thereto, the commissioner or [his] such agent may apply to the  
58 superior court for the judicial district of Hartford or for the judicial  
59 district wherein the person resides, or to any judge of said court if the  
60 same is not in session, setting forth such disobedience to process or  
61 refusal to answer, and said court or such judge shall cite such person to  
62 appear before said court or such judge to answer such question or to  
63 produce such records and papers and, upon [his] refusal to do so, shall  
64 commit such person to a community correctional center until [he] such  
65 person testifies, but not for a longer period than sixty days.  
66 Notwithstanding the serving of the term of such commitment by any  
67 person, the commissioner or [his] the commissioner's authorized agent  
68 may proceed with such inquiry and examination as if the witness had  
69 not previously been called upon to testify. Officers who serve  
70 subpoenas issued by the commissioner or under [his] the authority of  
71 the commissioner and witnesses attending hearings conducted by  
72 [him] the commissioner hereunder shall receive like fees and  
73 compensation as officers and witnesses in the courts of this state to be  
74 paid on vouchers of the commissioner on order of the Comptroller. For  
75 the purposes of this section, "urgent, unmet need" includes a denial of  
76 or failure to provide emergency housing, a denial of or failure to  
77 provide food stamps where the household meets the criteria for  
78 processing on an expedited basis, a denial of or failure to process an  
79 application for cash assistance under the temporary family assistance  
80 program including extensions, a denial of or failure to process an  
81 application for medical assistance, or a denial of or failure to provide,  
82 in a timely manner, medical services.

83 Sec. 3. Subsection (a) of section 17b-61 of the general statutes is  
84 repealed and the following is substituted in lieu thereof:

85 (a) Not later than sixty days after such hearing, or [three] seven  
86 business days if the hearing concerns [a denial of or failure to provide  
87 emergency housing] an urgent, unmet need, as defined in section 17b-

88 60, as amended by this act, the commissioner or [his] a designated  
89 hearing officer shall render a final decision based upon all the evidence  
90 introduced [before him] and applying all pertinent provisions of law,  
91 regulations and departmental policy, and such final decision shall  
92 supersede the decision made without a hearing, provided final  
93 definitive administrative action shall be taken by the commissioner or  
94 [his] such designee within ninety days after the request of such hearing  
95 pursuant to section 17b-60. Notice of such final decision shall be given  
96 to the aggrieved person by mailing [him] a copy thereof within one  
97 business day of its rendition. Such decision after hearing shall be final  
98 except as provided in subsections (b) and (c) of this section.

99 Sec. 4. Section 17b-112 of the general statutes is repealed and the  
100 following is substituted in lieu thereof:

101 (a) The Department of Social Services shall administer a temporary  
102 family assistance program under which cash assistance shall be  
103 provided to eligible families in accordance with the temporary  
104 assistance for needy families program, established pursuant to the  
105 Personal Responsibility and Work Opportunity Reconciliation Act of  
106 1996. Under the temporary family assistance program, benefits shall be  
107 provided to a family for not longer than twenty-one months, except as  
108 provided in subsections (b) and [(c)] (d) of this section. For the purpose  
109 of calculating said twenty-one-month time limit, months of assistance  
110 received on and after January 1, 1996, pursuant to time limits under  
111 the aid to families with dependent children program, shall be  
112 included. For purposes of this section, "family" means one or more  
113 individuals who apply for or receive assistance together under the  
114 temporary family assistance program.

115 (b) The Commissioner of Social Services shall exempt a family from  
116 such time-limited benefits for circumstances including, but not limited  
117 to: (1) A family with a needy caretaker relative who is incapacitated or  
118 of an advanced age, as defined by the commissioner, if there is no  
119 other nonexempt caretaker relative in the household; (2) a family with  
120 a needy caretaker relative who is needed in the home because of the

121 incapacity of another member of the household, if there is no other  
122 nonexempt caretaker relative in the household; (3) a family with a  
123 caretaker relative who is not legally responsible for the dependent  
124 children in the household if such relative's needs are not considered in  
125 calculating the amount of the benefit and there is no other nonexempt  
126 caretaker relative in the household; (4) a family with a caretaker  
127 relative caring for a child who is under one year of age and who was  
128 born not more than ten months after the family's enrollment if there is  
129 no other nonexempt caretaker relative in the household; (5) a family  
130 with a pregnant or postpartum caretaker relative if a physician has  
131 indicated that such relative is unable to work and there is no other  
132 nonexempt caretaker relative in the household; (6) a family with a  
133 caretaker relative determined by the commissioner to be unemployable  
134 and there is no other nonexempt caretaker relative in the household;  
135 and (7) minor parents attending and satisfactorily completing high  
136 school or high school equivalency programs.

137 (c) A family who is subject to time-limited benefits shall, for good  
138 cause, be excused from failing to participate in a work activity, as  
139 defined in section 17b-112a. The Commissioner of Social Services shall  
140 make a finding of good cause for failure to participate in a work  
141 activity if the family fails to comply with the requirements concerning  
142 work activity due to circumstances beyond the control of the family  
143 which prevent compliance with such requirements. Such  
144 circumstances shall include the unavailability or inaccessibility of safe  
145 and adequate child care or the inability to guarantee payment for child  
146 care by the Department of Social Services or its contractor.

147 ~~[(c)]~~ (d) A family who is subject to time-limited benefits may  
148 petition the Commissioner of Social Services for six-month extensions  
149 of such benefits. The commissioner shall grant such an extension to a  
150 family who has made a good faith effort to comply with the  
151 requirements of the program and despite such effort has a total family  
152 income at a level below the payment standard, or has encountered  
153 circumstances preventing employment including, but not limited to:  
154 (1) Domestic violence or physical harm to such family's children; or (2)

155 other circumstances beyond such family's control. [Earned income  
156 counting towards total family income shall have ninety dollars  
157 disregarded.] When calculating total family income, the commissioner  
158 shall disregard ninety dollars of earned income. Such family shall be  
159 notified by the department of the right to petition for such extensions.  
160 A family who is ineligible for six-month extensions based on a lack of  
161 good faith effort to seek and maintain employment shall be eligible for  
162 such extensions so long as the nonexempt caretaker relative has  
163 earnings of at least five hundred dollars in any consecutive three-  
164 month period since discontinuance from the program. A family who is  
165 ineligible for such extensions based on the receipt of sanctions or a  
166 determination that such family has not made a good faith effort to seek  
167 and maintain employment and who did not appeal such sanctions or  
168 determination pursuant to section 17b-60, as amended by this act, may  
169 request and shall receive a review of such sanctions or determination  
170 by the commissioner. The commissioner shall conduct such review and  
171 notify the family, in writing, of any findings within thirty days of  
172 receipt of the request for review. If the commissioner overturns such  
173 sanctions or determination after such review, such family shall be  
174 granted such extensions provided it is otherwise eligible. If the  
175 commissioner upholds such sanctions or determination, such family  
176 may request and shall be provided a fair hearing in accordance with  
177 section 17b-60, as amended by this act.

178 [(d)] (e) Medicaid eligibility shall be extended for two years to a  
179 family who becomes ineligible for cash assistance while employed or a  
180 family with an adult who, within six months of becoming ineligible,  
181 becomes employed.

182 [(e)] (f) Under said program (1) no family shall be eligible that has  
183 total gross earnings exceeding the federal poverty level, however, in  
184 the calculation of the benefit amount for eligible families and  
185 previously eligible families that become ineligible temporarily because  
186 of receipt of workers' compensation benefits by a family member who  
187 subsequently returns to work immediately after the period of receipt of  
188 such benefits, earned income shall be disregarded up to the federal

189 poverty level; (2) the increase in benefits to a family in which an infant  
190 is born after the initial ten months of participation in the program shall  
191 be limited to an amount equal to fifty per cent of the average  
192 incremental difference between the amounts paid per each family size;  
193 and (3) a disqualification penalty shall be established for failure to  
194 cooperate with the biometric identifier system.

195     ~~[(f)]~~ (g) A family receiving assistance under said program shall  
196 cooperate with child support enforcement, under title IV-D of the  
197 Social Security Act. A family shall be ineligible for benefits for failure  
198 to cooperate with child support enforcement.

199     ~~[(g)]~~ (h) A family leaving assistance at the end of said twenty-one-  
200 month time limit, including a family with income above the payment  
201 standard, shall have an interview for the purpose of being informed of  
202 services that may continue to be available to such family, including  
203 employment services available through the Labor Department. Said  
204 interview shall contain a determination of benefits available to said  
205 family provided by the Department of Social Services. Said interview  
206 shall also include a determination of whether such family is eligible for  
207 food stamps or Medicaid. Information and referrals shall be made to  
208 such a family for services and benefits including, but not limited to, the  
209 earned income tax credit, rental subsidies emergency housing,  
210 employment services and energy assistance.

211     ~~[(h)]~~ (i) An applicant or recipient of temporary family assistance  
212 who is adversely affected by a decision of the Commissioner of Social  
213 Services may request and shall be provided a hearing in accordance  
214 with section 17b-60.

215     ~~[(i)]~~ (j) The commissioner may continue to operate under all or  
216 portions of the federal waivers granted under Section 1115 of the Social  
217 Security Act for the demonstration entitled "Reach For Jobs First".  
218 Notwithstanding continuation of the provisions of said federal  
219 waivers, the commissioner shall continue the evaluation of the  
220 effectiveness of the temporary family assistance program and may

221 continue to utilize a control group using different program  
222 requirements.

223     ~~[(j)]~~ (k) The commissioner shall report, annually on or before  
224 November fifteenth, to the joint standing committees of the General  
225 Assembly having cognizance of matters relating to human services and  
226 appropriations and the budgets of state agencies on the funding  
227 requirements necessary to support the programs funded by the  
228 temporary assistance for needy families block grant.

229     ~~[(k)]~~ (l) The Commissioner of Social Services shall implement  
230 policies and procedures necessary for the purposes of this section  
231 while in the process of adopting such policies and procedures in  
232 regulation form, provided the commissioner prints notice of intention  
233 to adopt the regulations in the Connecticut Law Journal within twenty  
234 days of implementing such policies and procedures. Final regulations  
235 shall be submitted to the legislative regulation review committee no  
236 later than November 15, 1997. Policies and procedures implemented  
237 pursuant to this subsection shall be valid until the time final  
238 regulations are effective.

239     Sec. 5. Subsection (a) of section 17b-112b of the general statutes is  
240 repealed and the following is substituted in lieu thereof:

241     (a) An applicant or recipient who is a past or present victim of  
242 domestic violence or at risk of further domestic violence, pursuant to  
243 subsection (c) of section 17b-112a, shall, for good cause: (1) Be excused  
244 from failing to participate in a work activity; or (2) be exempted from  
245 child support enforcement requirements pursuant to subsection ~~[(f)]~~  
246 (g) of section 17b-112, as amended by this act. Such an applicant or  
247 recipient may, for good cause, be granted an extension of cash  
248 assistance beyond twenty-one months, provided the domestic violence  
249 experienced is of sufficient magnitude to reasonably render the  
250 individual unable to obtain or maintain employment.

251     Sec. 6. Section 17b-112e of the general statutes is repealed and the  
252 following is substituted in lieu thereof:



253 (a) The Department of Social Services shall provide safety net  
254 services for certain families no longer receiving benefits or who are at  
255 risk of losing benefits under the temporary family assistance program.  
256 Such families include those who are not eligible for six-month  
257 extensions of benefits due to: (1) The receipt of two sanctions from the  
258 department during the first twenty months of the twenty-one-month  
259 time limit of said temporary family assistance program, or (2) the  
260 determination by the department that such a family has not made a  
261 good-faith effort to seek and maintain employment.

262 (b) Said safety net shall consist of services provided through the  
263 existing community service delivery network with additional  
264 resources provided by the Department of Social Services. Services shall  
265 be provided in-kind or through vendor or voucher payment. Services  
266 may include the following: (1) Food, shelter, clothing and employment  
267 assistance; (2) eviction prevention; (3) intensive case management; (4)  
268 continuous monitoring for child abuse or neglect; [and] (5) for families  
269 at risk of losing benefits under the temporary family assistance  
270 program, individual performance contracts requiring job training, job  
271 searching, volunteer work, participation in parenting programs or  
272 counseling or any other requirements deemed necessary by the  
273 Commissioner of Social Services; (6) for families at risk of being denied  
274 a six-month extension of benefits based on a lack of good-faith effort to  
275 seek and maintain employment due to the loss of employment in the  
276 twenty-first month of the temporary family assistance program,  
277 individual performance contracts as specified in subdivision (5) of this  
278 subsection; and (7) for families at risk of being denied a six-month  
279 extension of benefits based on a lack of good-faith effort to seek and  
280 maintain employment and who have not previously completed an  
281 individual performance contract as specified in subdivision (5) of this  
282 subsection, individual performance contracts as specified in said  
283 subdivision.

284 (c) Families successfully meeting the program requirements  
285 established by the individual performance contracts in subdivision (5)  
286 of subsection (b) of this section prior to the end of the twenty-one-

month time limit shall be considered to have made a good faith effort to comply with the requirements of the program for the purposes of qualifying for a six-month extension, provided they have made a good faith effort to comply with the individual performance contract or have not incurred a sanction subsequent to completing the individual performance contract. Families described in subdivisions (6) and (7) of subsection (b) of this section who have substantially complied with the individual performance contract in subdivision (5) of subsection (b) of this section not later than thirty days after entering into such contract shall be considered to have made a good-faith effort to comply with the requirements of the program for the purposes of qualifying for a six-month extension.

(d) The Commissioner of Social Services shall implement policies and procedures necessary for the purposes of this section while in the process of adopting such policies and procedures in regulation form, provided the commissioner prints notice of intention to adopt the regulations in the Connecticut Law Journal within twenty days of implementing such policies and procedures. Final regulations shall be submitted to the legislative regulation review committee no later than November 15, 1997. Policies and procedures implemented pursuant to this subsection shall be valid until the time final regulations are effective.

Sec. 7. (a) The joint standing committee of the General Assembly having cognizance of matters relating to human services shall conduct a study to determine the circumstances and prospects of families that formerly received benefits under the temporary family assistance program established under section 17b-112 of the general statutes, as amended by this act. Not later than January 1, 2002, said committee shall submit a report of its findings and recommendations to the General Assembly.

(b) The sum of \_\_\_\_ dollars is appropriated to the joint committee on legislative management, from the General Fund, for the fiscal year ending June 30, 2002, for use by the joint standing committee of the

320 General Assembly having cognizance of matters relating to human  
321 services in conducting the study required by subsection (a) of this  
322 section.

323 Sec. 8. This act shall take effect from its passage, except section 7  
324 shall take effect July 1, 2001, and sections 2 to 6, inclusive, shall take  
325 effect October 1, 2001.

**APP**      *Joint Favorable Subst.*